

Message Text

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ACTION EA-09

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TO SECSTATE WASHDC 54

C O N F I D E N T I A L MANILA 7780

E.O. 11652: GDS

TAGS: PINT, RP

SUBJECT: NEW SUPREME COURT APPOINTMENTS

REF: MANILA 7672

1. DURING SPEECH AT INTEGRATED BAR ASSOCIATION CONFERENCE
IN MANILA MORNING MAY 20, PRESIDENT MARCOS ANNOUNCED HE HAD
NAMED TO SUPREME COURT:

- A. JUSTICE SECRETARY VICENTE ABAD SANTOS
- B. AFP JUDGE ADVOCATE (AND COURT OF APPEALS JUSTICE)
GUILLERMO SANTOS
- C. APPEALS COURT PRESIDING JUSTICE RAMON FERNANDEZ
- D. GOVERNOR OF LAUNION JUVENAL GUERRERO

PRESIDENT SAID HE WOULD FILL FIFTH VACANCY ON THE COURT
SOON.

2. SENIOR ASSOCIATE JUSTICE FERNANDO TOLD POLCOUNS MAY 19
COURT HAD SUGGESTED TO MARCOS THAT HE NOMINATE FORMER VP
EMMANUEL PELAEZ AND ATTORNEY JOSE AFRICA, BUT BOTH DECLINED.

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MUCH TO PELAEZ' DISCOMFORT, MARCOS MADE REFERENCE TO THIS
IN TODAY'S SPEECH WHEN HE SAID FORMER VP WOULD "RATHER
RANCH THAN WRITE DECISIONS."

3. COMMENT: ADDITION OF FOUR NEW MEMBERS TO COURT
SHOULD DECREASE JUSTICES' WORK LOAD AND ATTENUATE TENSION
WHICH LED TO RECENT UNPRECEDENTED PUBLIC FRICTION BETWEEN

CHIEF JUSTICE AND JUSTICE MAKASAR (SEE REFTL). FROM
STANDPOINT OF US INTEREST, JUSTICE SECRETARY'S ELEVATION
TO COURT IS MOST IMPORTANT. RECENTLY ABAD SANTOS, A
TESTY SORT, HAS BEEN THORN IN OUR SIDE ON OFFICIAL DUTY
DETERMINATIONS. HE HAS NOT BEEN ESPECIALLY HELPFUL
ON LOS MATTERS EITHER. MARCOS DID NOT ANNOUNCE WHO WOULD
SUCCEED HIM, ALTHOUGH SOLICITOR GENERAL MENDOZA IS LIKELY
CANDIDATE. MARCOS WOULD SORELY MISS MENDOZA'S ARGUMENTATIVE
TALENTS IN SUPREME COURT, HOWEVER, ESPECIALLY SHOULD
SIGNIFICANT MARTIAL LAW OR DETAINEE CASES ARISE. JUSTICE
GUILLERMO SANTOS IS BELIEVED TO BE MARCOS LOYALIST WHICH
WHY HE APPOINTED JUDGE ADVOCATE. GENERAL GUERRERO IS ALSO
CLOSE TO MARCOS AND HAS BEEN MENTIONED ON PREVIOUS OCCASIONS
IN CONNECTION WITH A CABINET POST. WE KNOW LITTLE OF
FERNANDEZ, BUT DOUBT HE WOULD HAVE BEEN APPOINTED IF MARCOS
THOUGHT HE WOULD GIVE HIM TROUBLE. ON BALANCE, APPOINTMENTS
ENHANCE MARCOS' ALREADY STRONG POSITION WITHIN SC. OF
14 JUSTICES, ONLY TWO (TEEHANKEE AND MUNOZ PALMA) CAN BE
EXPECTED TO OPPOSE HIM WHEN IT COMES TO CRUNCH ON
IMPORTANT CONSTITUTIONAL CASES OR CASES IN WHICH PRESIDENT
HAS PERSONAL STAKE, E.G. MAJOR DETAINEES LIKE AQUINO,
LOPEZ/OSMENA, ETC.
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